

X
November 7, 1938

L-38-1055
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Eppler & Company
31 Nassau Street
New York, New York

Gentlemen:

Thank you for your letter of October 28, 1938, supplying information as to the status under the Railroad Retirement Act of Eppler & Company.

The following facts appear from the information furnished by you: Eppler & Company, a partnership, is now and has been since its organization, in the public accountancy practice. The members of the partnership are not officers, directors or employees of a carrier by railroad, express company, or sleeping-car company; nor do the members or the firm own any voting securities of such companies. In the past individual members have at different times owned railroad securities for investment or speculation. No interest in the firm is owned by or for the account of any carrier by railroad, express company, or sleeping-car company. It is further stated that the firm's practice is general and the major part of its services are not performed under a contract with one customer who is a carrier by railroad, express company, or sleeping-car company; nor under a contract with one group of customers who are under the common control of a carrier by railroad, express company, or sleeping-car company.

On the basis of the foregoing, I am of the opinion that Eppler & Company is not owned or controlled by or under common control with a carrier by railroad, express company, or sleeping-car company, and hence is not an "employer" as that term is defined in the Railroad Retirement Act. Therefore, service rendered to the company is not creditable toward an annuity under the Railroad Retirement Act.

Your cooperation in this matter is appreciated.

Very truly yours,

Lester P. Schoene
General Counsel